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HUMAN RIGHTS COMMITTEE

COMMENTS OF THE HUMAN RIGHTS COMMITTEE*

Federal Republic of Yugoslavia (Serbia and Montenegro)

A. Introduction

1. Deeply concerned by recent and current events in the territory of the former Yugoslavia affecting human rights protected under the International Covenant on Civil and Political Rights; noting that all the peoples within the territory of the former Yugoslavia are entitled to the guarantees of the Covenant; and acting under article 40, paragraph 1 (b), of the Covenant; the Committee, on 7 October 1992, requested the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to submit a short report on the following issues in respect of persons and events now coming under its jurisdiction:

(a) Measures taken to prevent and combat the policy of "ethnic cleansing" pursued, according to several reports, on the territory of certain parts of the former Yugoslavia, in relation to articles 6 and 12 of the International Covenant on Civil and Political Rights;

(b) Measures taken to prevent arbitrary arrests and killings of persons, as well as disappearances, in relation to articles 6 and 9 of the International Covenant on Civil and Political Rights;

(c) Measures taken to prevent arbitrary executions, torture and other inhuman treatment in detention camps, in relation to articles 6, 7 and 10 of the International Covenant on Civil and Political Rights;

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* Adopted at the 1205th meeting (forty-sixth session), held on 6 November 1992.

(d) Measures taken to combat advocacy of national, racial or religious hatred constituting incitement to discrimination, hostility or violence, in relation to article 20 of the International Covenant on Civil and Political Rights.

2. Pursuant to that request, the Federal Republic of Yugoslavia (Serbia and Montenegro) submitted a special report dated 30 October 1992, which was considered by the Committee at its 1202nd meeting, held on 4 November 1992. The Federal Republic of Yugoslavia (Serbia and Montenegro) was represented by Dr. Konstantin OBRADOVIC, Deputy Federal Minister for Human Rights and Ethnic Minorities; Ms. Sladjana PRICA, Expert, Federal Ministry of Foreign Affairs; Mr. Miroslav MILOSEVIC, Counsellor, Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva; and Mrs. Olga SPASIC, Third Secretary, Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva. The report was taken up and developed by the delegation in its oral statement.

3. The Committee welcomed the delegation, explaining that it regarded the submission of the report by the Government and the presence of the delegation as confirmation that the Federal Republic of Yugoslavia (Serbia and Montenegro) had succeeded, in respect of its territory, to the obligations undertaken under the International Covenant on Civil and Political Rights by the former Socialist Federal Republic of Yugoslavia.

B. Implementation of the Covenant by the State party

4. In its replies, the Federal Government referred exclusively to the situation in the territory of Serbia and Montenegro. It mentioned a number of instances of criminal proceedings taken against persons responsible for violations of individual freedoms (32 cases) and ethnic cleansing (5 cases). The Government affirmed that those were isolated acts and that it was not conducting any policy of ethnic cleansing. It indicated that there was no concentration camp established in its territory. It said it was dismayed by the atrocities committed in certain parts of Croatia and Bosnia and Herzegovina but declared that it could not assume responsibility for acts committed outside its territory and hence beyond its control. In regard to Kosovo, the Government did not dispute its responsibility but attributed the current state of affairs in that region to antagonism, which it was difficult to overcome, between the Serbs and the Albanian "minority".

C. Concerns of the Committee

5. Various concordant sources of information - Mr. T. Mazowiecki, Special Rapporteur of the Commission on Human Rights, Rapporteurs of the Conference on Security and Cooperation in Europe and non-governmental organizations - describe mass arrests, summary and arbitrary executions, enforced or involuntary disappearances, torture, rapes and looting committed by Serbian nationalists both in Croatia (Krajina) and in Bosnia and Herzegovina. It is reported that some 20 camps are controlled by these armed men and that they are holding thousands of civilians, women, children and elderly people in conditions unworthy of the respect due to the human person. Massive violence has been unleashed, inter alia, against Dubrovnik and Vukovar and is still being directed against Sarajevo. The Committee observed that the means

deployed and the interests involved demonstrated the existence of links between the nationalists and Serbia which invalidated the Federal Government's claim to be exempt from responsibility.

6. According to Mr. Mazowiecki, the purpose of these acts is to displace or eliminate Muslims, Croats or other nationalities and thus constitute ethnically homogeneous areas.

7. The Committee strongly deplored this situation and regretted the refusal of the Federal Government to acknowledge its responsibility for such acts on the grounds that they were committed outside its territory.

D. Recommendations

8. The Committee firmly urged the Federal Government to put an end to this intolerable situation for the observance of human rights, and to refrain from any support for those committing such acts, including in territory outside the Federal Republic of Yugoslavia (Serbia and Montenegro). It called upon the Government to show a clear political will and to effectively dissociate itself from the Serbian nationalist movements by totally repudiating their ideology and condemning their schemes. The Committee considers that a show of unwavering firmness on this point would deprive the extremists of support that is essential to them. The Federal Government was invited to do its utmost to foster public awareness of the need to combat national hatred and to crack down forcefully on the perpetrators of violations of individual rights by bringing them to justice. The Committee also recommended that the Federal Government put an end to the repression of the Albanian population in the province of Kosovo and adopt all necessary measures to restore the former local self-government in the province.

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